

AMENDED IN SENATE APRIL 28, 2008

AMENDED IN SENATE APRIL 1, 2008

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1285**

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**Introduced by Senator Corbett**

February 19, 2008

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An act to amend ~~Section 5096.501~~ *Sections 5096.501 and 5096.511* of, and to add Section 5096.517 to, the Public Resources Code, relating to state lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 1285, as amended, Corbett. Resource conservation lands: acquisition.

Existing law authorizes various agencies to acquire land for purposes related to conservation. Existing law requires an acquisition agency, as defined, prior to approving the acquisition of conservation land, as defined, where an agency proposes to spend more than \$25,000,000 of state funds, to contract for at least one independent appraisal of the fair market value of the land. Existing law defines "acquisition agency" as the Wildlife Conservation Board or the State Coastal Conservancy.

This bill would instead define "acquisition agency" as the Department of Parks and Recreation, the Wildlife Conservation Board, or a state conservancy.

Existing law requires the independent appraisal to be conducted by a qualified member of the Appraisal Institute and reviewed by a qualified independent appraiser retained by the acquisition agency for this purpose. The acquisition agency is required to make available for public review, among other things, the independent appraisal review, a

summary of the basis for the recommendation of approval for the acquisition of the land, and any relevant environmental studies, documents, or other information.

This bill would *instead require the independent appraisal to be conducted by a designated member of an appraisal organization that is a member of the Appraisal Foundation*. The bill would require the Department of General Services, in consultation with the Department of Parks and Recreation, the Wildlife Conservation Board, and state conservancies, to develop and adopt standards, subject to the approval of the Resources Agency, with respect to the acquisition of conservation lands concerning the appraisal process, availability of appraisal information, and valuation for purposes of a charitable contribution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5096.501 of the Public Resources Code  
2 is amended to read:

3 5096.501. For purposes of this chapter, the following terms  
4 have the following meanings:

5 (a) "Acquisition agency" means the Department of Parks and  
6 Recreation, the Wildlife Conservation Board, or a state  
7 conservancy.

8 (b) "Conservation lands" means any land or interest therein to  
9 be acquired by an acquisition agency, or that is owned by the state  
10 and under the jurisdiction of the Wildlife Conservation Board, the  
11 State Coastal Conservancy, the Department of Fish and Game, or  
12 the Department of Parks and Recreation.

13 (c) "Major acquisition" means an acquisition where an agency  
14 proposes to spend more than twenty-five million dollars  
15 (\$25,000,000) of state funds.

16 SEC. 2. Section 5096.511 of the Public Resources Code is  
17 amended to read:

18 5096.511. Prior to any action by an acquisition agency to  
19 approve a major acquisition of conservation lands, the acquisition  
20 agency shall contract for at least one independent appraisal of the  
21 fair market value of the land. The appraisal shall be conducted by  
22 ~~a qualified member of the Appraisal Institute~~ *designated member*  
23 *of an appraisal organization that is a member of the Appraisal*

1 *Foundation* who is licensed pursuant to Part 3 (commencing with  
2 Section 11300) of Division 4 of the Business and Professions Code.  
3 The appraisal shall be prepared pursuant to the Uniform Standards  
4 of Professional Appraisal Practice.

5 ~~SEC. 2.~~

6 SEC. 3. Section 5096.517 is added to the Public Resources  
7 Code, to read:

8 5096.517. The Department of General Services, in consultation  
9 with the Department of Parks and Recreation, the Wildlife  
10 Conservation Board, and state conservancies, shall develop and  
11 adopt standards subject to the approval of the Resources Agency,  
12 for all of the following with respect to the acquisition of  
13 conservation lands:

14 (a) Standards for the appraisal of resource conservation  
15 acquisitions, *including both direct and state-funded grant*  
16 *acquisitions*. The standards shall include guidelines for all of the  
17 following:

18 (1) Qualifications of the appraiser, *including, but not limited*  
19 *to, both of the following*:

20 (A) *The appraiser shall not engage in any appraisal activity in*  
21 *connection with the purchase, sale, transfer, financing, or*  
22 *development of real property if his or her compensation is*  
23 *dependent on or affected by the value determined by the appraisal.*

24 (B) *The appraiser shall be a designated member of an appraisal*  
25 *organization that is a member of the Appraisal Foundation and*  
26 *both of the following requirements shall be met:*

27 (i) *The appraisal shall be performed pursuant to the Uniform*  
28 *Standards of Professional Appraisal Practice.*

29 (ii) *For major acquisitions, the appraiser shall have three years*  
30 *of experience as a licensed appraiser, and have achieved a certified*  
31 *level by a date to be specified in the appraisal standards developed*  
32 *by the Department of General Services and the Resources Agency.*

33 (2) Appraisal methodology to be used.

34 (3) Scope of the analysis and level of information provided in  
35 the appraisal report, including, but not limited to, both of the  
36 following:

37 (A) Verifiable data on the development potential of the land,  
38 such as what would be required for a development project to  
39 proceed.

1 (B) Reports documenting suspected environmental  
2 contamination.

3 (4) Reference to comparable government and conservation  
4 transactions when available.

5 (5) Age of the appraisal or appraisal update to be reviewed by  
6 the department to keep an appraisal from being over one and  
7 one-half years old.

8 ~~(6) Appraisal of conservation easements using the Appraisal~~  
9 ~~Institute standards as guidelines once they are adopted.~~

10 (6) *Appraisal of conservation easements, using the information*  
11 *from the “Valuation of Conservation Easements Certificate*  
12 *Program” created by members of the Appraisal Foundation and*  
13 *the Land Trust Alliance as guidelines.*

14 (b) Standards for the release of the appraisal review, including,  
15 but not limited to, both of the following:

16 (A) Guidelines to state resource agencies for public disclosure  
17 requirements.

18 (B) Improvement of the legislative notification process for better  
19 oversight, including when requested by the Legislature, provision  
20 of a copy of the appraisal review for a major acquisition before  
21 the close of escrow.

22 (c) For conservation lands acquired by the state, the Franchise  
23 Tax Board shall use the state-approved appraisal value or the value  
24 of an appraisal conducted by a qualified member of ~~the Appraisal~~  
25 ~~Institute~~ *an appraisal organization that is a member of the*  
26 *Appraisal Foundation*, who is licensed pursuant to Part 3  
27 (commencing with Section 11300) of Division 4 of the Business  
28 and Professions Code, which is within 10 percent of the  
29 state-approved appraisal, to calculate the appropriate value of a  
30 charitable contribution claimed by the seller.